

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS K. HAYES-KELLY,

Plaintiff,

v.

CLINTON J. CURRY, et al.,

Defendants.

No. 2:23-cv-00585-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 13)

Plaintiff Nicholas K. Hayes-Kelly is a county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On July 28, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to comply with a court order and failure to prosecute. (Doc. No. 13.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) To date, no objections have been filed, and the time in which to do so has now passed.

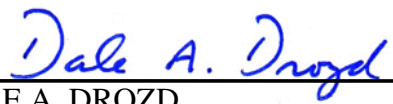
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on July 28, 2023 (Doc. No. 13) are adopted in full;
2. This action is dismissed, without prejudice, due to plaintiff's failure to comply with a court order and failure to prosecute; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: September 24, 2023



DALE A. DROZD
UNITED STATES DISTRICT JUDGE